

1882-001
Lee Co.

Chancery Causes: Cdn. of Benjamin Chadwell vs. Benjamin Chadwell, infant &c.

Ball, Orr

CA - Estate Dispute

T - Property

To the Hon. John A. Kelly, Judge of the Circuit Court
of Lee County, Virginia.

Your petitioner L. B. Ball
Guardian of Benjamin Chadwell, a Minor and
Infant of the age of 12 years of the County of Wise
and State of Texas Respectfully represents that he
procured Letters of Guardian from the
County Court of Wise County, Texas on the 22nd
day of March, 1881, which letters of Guardianship
are here filed Marked "A" and the same
prayed to be taken and considered as part
of this Petition. Your Petitioner further states
that he qualified and executed bond as such
Guardian on said day pursuant to Law
of Texas for the purpose of receiving the
said Ward in the County of Lee, State of
Virginia, which estate or fund is now under
the control of your Honor. An authenticated
copy of Your Petitioner's said qualification
and bond and the entire proceedings had
in the said County Court of Wise County, Texas
concerning his appointment as such Guardian
are here filed marked "B" and prayed to
be considered by your Honor as part of
this Petition.

Your Petitioner now states that there is a
chancery cause pending in your Honors
Court of David Chadwell Guardian &c. vs
Alexander Chadwell et al., the proceeds
of which clearly show a large sum of
money are your Petitioner's Ward; and
further states that if he is permitted to

remove the same to the State of Texas, he
 can use the same to a greater advantage
 for his Ward than what can be done
 in learning it in Virginia, the legal rate
 interest in Virginia being 6 per cent,
 the same ~~in~~ Texas being 8 per
 cent - with the right to contract for as
 much as 12 per cent.

Your Petitioner states that if his Ward
 to die now that he has no heirs in
 Virginia & that his Mother would be
 heir & that she lives in Wise County.

Prayer of your Petitioner is that
 your Honor, Infants &c and
 Chadevell, his Mother, be made
 present to this Petition & that they be
 required to answer the same on oath:
 that upon a hearing he be permitted by your
 Honor to remove the the said funds belonging
 to his Ward to the County of Wise, State of
 Texas - & as in duty bound he will
 ever pray and if in any wise mistaken
 in his special prayer he prays for general
 relief. May Court this Spec. issue &c
 Wm. D. Orr for
 Petitioner

~~On 2/1/36 1/2/36~~
~~Dec 1.56~~
~~2.56~~
~~at 5.50~~

1000
C. B. Ball Guardian

in { Petition

Benj Lehadwell et al

Exs "A" & "B" filed

1881. June 17th Ord. Rule

" July. Court for ex P

" Aug. Ord Rule. Court 18th

set for hearing by Plff

1881. Aug Continued

1881. Dec. 1st

Sept. 1st 3.12

Oct. 1st 1.50

Nov. 1st 1.12

Dec. 1st 1.12

1882. Jan. 1st 1.12

Feb. 1st 1.12

Mar. 1st 1.12

Apr. 1st 1.12

May 1st 1.12

June 1st 1.12

July 1st 1.12

Aug 1st 1.12

Sept 1st 1.12

Oct 1st 1.12

Nov 1st 1.12

Dec 1st 1.12

C. B. Ball, guardian &c

On petition to remove the effects of Benjamin Chadwell, an infant, from this State to Texas.

+

David Chadwell Guardian & Plf.

A. H. Chadwell et al.

Defts

C. B. Ball

The petition of the foreign guardian ~~C. B. Ball~~, of the infant defendant, Benjamin Chadwell, and the cause of David Chadwell Guardian &c, against A. H. Chadwell et al. Coming on to be heard together, this day on the papers heretofore read, and the petition of said guardian, and the accompanying documentary evidence, and proof of due publication, as required by the 5th section of Chapter 125 of the Code of 1873, ^{they were argued by counsel.} On consideration whereof, it is now adjudged, ordered and decreed, that the said C. B. Ball, as guardian of the infant defendant, Benjamin Chadwell, be allowed to remove the fund, ~~now due to~~ said ward, Benjamin, & entitled in the cause of David Chadwell guardian against A. H. Chadwell and others, to the State of Texas: & the Commissioners & Receiver William H. Burnz, to collect and pay over the same to said guardian C. B. Ball, ^{or his attorney} ~~and report to Court~~; retaining & releasing as heretofore, the sum due to the other minor defendants, & report to Court.

1 CB Bull. Quarte
in 3000000 Fimls

Berij Chadwell

Entered on P. 234

Teste J. A. G. Hyatt clk.

Enter
J. A. G.
Mar 30/82

Entered

Virginia:

Le Circuit Court Clerk's Office

June 15th 1881.

This day Wm A. Orr appeared before me in my Office and made oath that Benjamin Chadwell Infant, &c and ——— Chadwell his mother are nonresidents of the State of Virginia according to his information and belief.

James W Orr, Clerk

Lt. B. Ball Guards
 v^s } app^t of
 } Mourisding
 Benj. Chadwell et al

LETTERS OF GUARDIANSHIP.

The State of Texas,

COUNTY OF

Wise

I,

W. W. Brady

Clerk of the County Court,

of Wise

County, Texas, do hereby Certify that, on the

22nd

day of

March

A. D. 1881,

C. B. Ball

qualified according to law (having been appointed by said Court) as Guardian of the ~~person~~ and Estate of

Benjamin Chadwell

Minor

THESE ARE, THEREFORE, GIVEN to prove the capacity to act as such.

WITNESS my hand and the seal of the County Court of

Wise

County, at

Decatur

Texas, this the

22nd

day of

March

A. D. 1881.

W. W. Brady

CLERK.

By

A. B. Foster

Deputy.



No. 140

ESTATE OF

Benjamin Chadwell

Minor.....

Letters of Guardianship.

Issued the 22nd day of

March A. D. 1881.

W M Brady

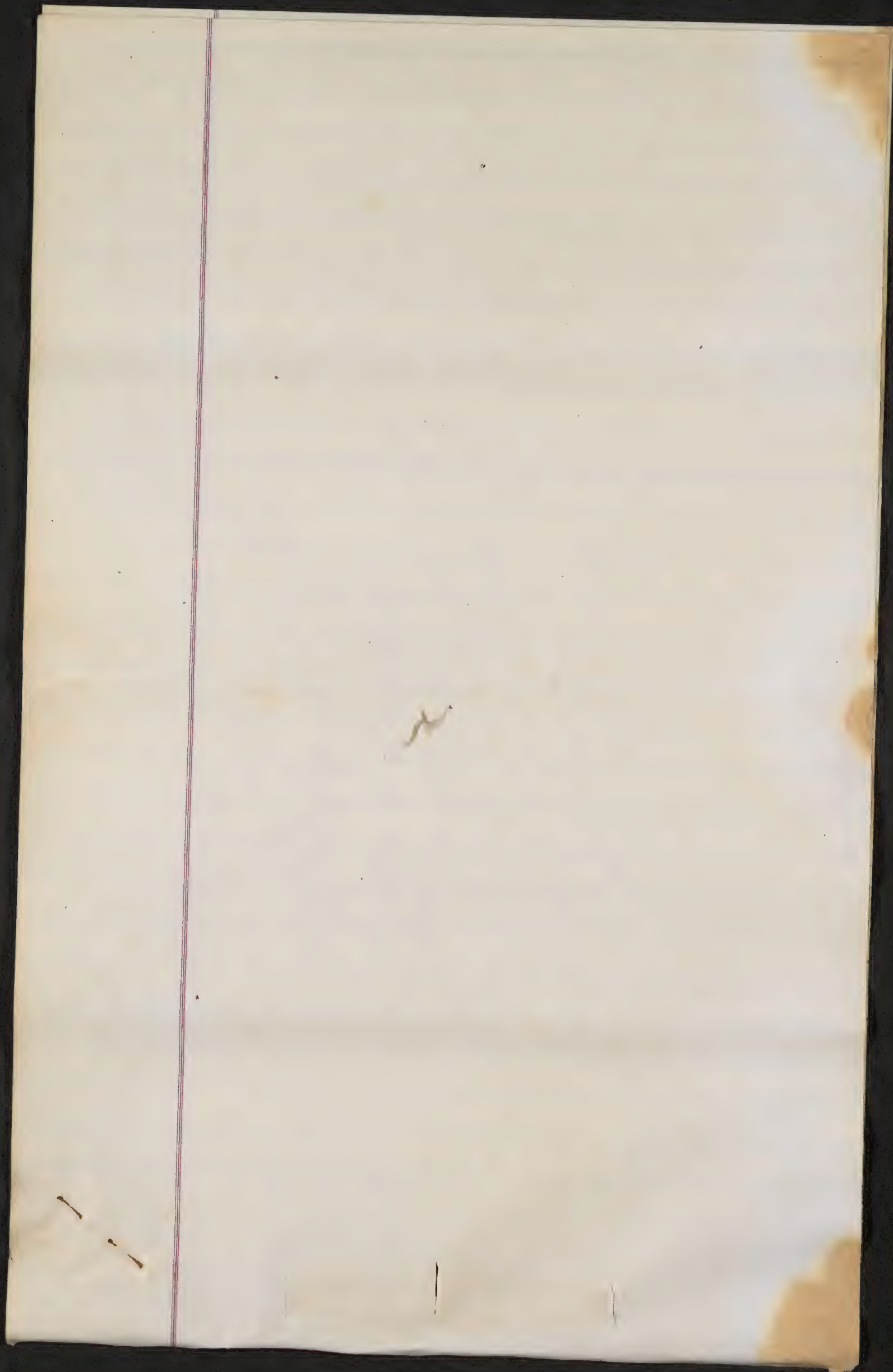
CLERK.

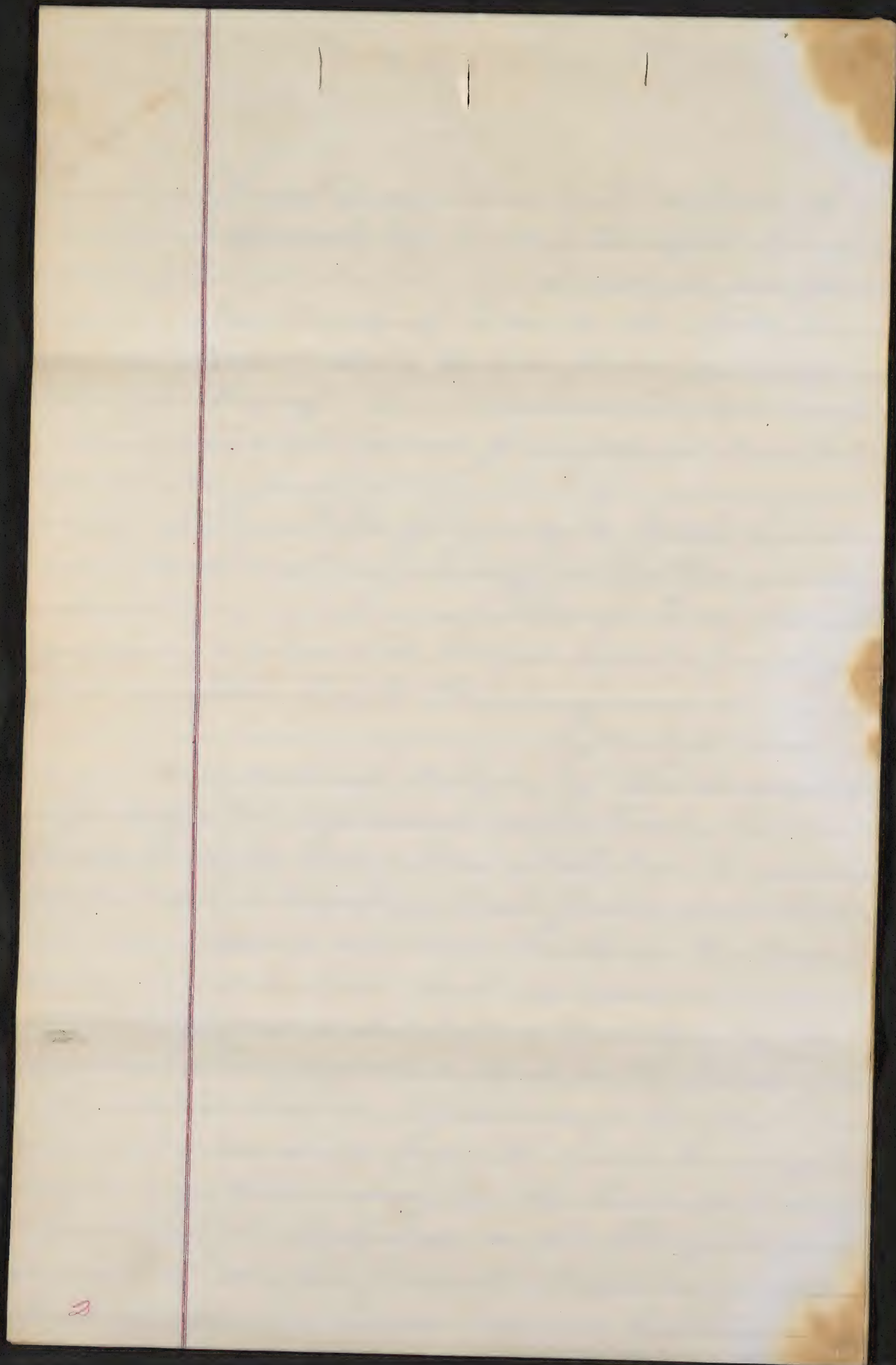
By A D Foster

DEPUTY.

"A"

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The State of Texas 3 At a Term of
County of Wise 3 the Civil County
Court in and for
the County of Wise in the State of
Texas. D. H. Hodges Presiding Judge
thereof for Civil and Probate business
The following proceedings were had

The State of Texas 3 In County Court
County of Wise 3 in Matters of Probate
March Term A.D. 1881
To Hon D. H. Hodges. County Judge of
Wise County Texas.

Application
Filed Mar 10th
1881

Your Applicant
a resident Citizen of the County and
State aforesaid respectfully States
unto Your Honor that one Benjamin
Chadwell a male person aged Twelve
years. who also resides in the County
and State first aforesaid and is a
Minor without any Guardian in the
State aforesaid and is the owner of
an Estate consisting of Money to the
Amount of \$700.²⁰/₁₀₀ Seven Hundred
Dollars and Twenty cents in the
County of Lee in the State of Virginia
That this Honorable Court has Jurisdic
tion of said Minors Estate.

Application

Application

Said March

10th 1881

That said minor has no Guardian
for his said Estate in the State
of Texas That Your Applicant is not
disqualified to act in the capacity
of Guardian for his said Estate
Wherefore He prays That Citation
upon in the Terms ~~of~~ Law
And That Service Thereof be obtain-
ed in accordance with Law
and That Your ~~honor~~ Applicant
upon due consideration hereof
be granted Letters of Guardia-
ship upon the Estate of said
minor at the March Term of
this Court A.D. 1881 and for
such other and further Orders as
may be suitable and proper
in the premises and as in
duty bound He will ever pray

L. B. Ball

applicant

By F. J. Wyatt

Atty

Estate of Benjamin Chadwell
minor No 140. 2nd day March Term
A.D. 1881. -

Now at this Term of the
Court Came on to be heard

Decree

~~Received~~

Mar 22nd 1881

the application of C. B. Ball to
be appointed Guardian of the Estate
of Benjamin Chadwell and it
appearing to the Court That Notice
of said Application had been duly
issued and served as required by
Law and That Benjamin Chadwell
is a minor and That this Court has
jurisdiction of his Estate, and it
further appearing to the Court That
the said applicant is not disqual-
ified to act as Guardian of said
Estate and it is in this wise.
It is therefore Ordered and Decreed
by the Court that the Clerk of
this Court issue Letters of Guardian-
ship on the Estate of said Benjamin
Chadwell to the said C. B.
Ball Applicant when he shall
have qualified according to
Law By Executing a Bond
with approved security in the
form and requirements of
Law in the sum of Sixteen
thousand Dollars and shall have
taken the official oath requi-
red by Law for the perfor-
mance of said Trust.

Done

Decree
Rendered
March 22 1887

No 140

Estate of Benjamin Chadwell
Minor
C B Ball
Guardian

Order

Now at this time comes into Court
C B Ball who has this day been
appointed by the Hon. S H. Hodges
County Judge presiding and presents
to the Court his Bond as Guardian
in the above entitled cause which
was examined and approved by
Court and ordered of Record.
Said Bond is for the sum of \$1600.
properly acknowledged and certified
as required by Law and said
Guardian having taken the oath
of Guardian as the Law requires.
It is ordered by the Court that
he receive Letters of Guardianship
and enter upon the discharge of the
duties pertaining to said Estate

Guardian
Bond.

The State of Texas
County of Wise Guardian Bond

Know all men by these presents that
we C B. Ball as principal and

Guardian
Bond

Filed March 22nd
1881

I Brown and G. Salmon as Sureties
are held and firmly bound unto the
County Judge of Wise County and
State of Texas and his Successors in
Office in the Sum of (\$1000⁰⁰) Sixteen
hundred Dollars, Conditioned that the
above bound L. B. Ball who has
been appointed Guardian of the
Estate of Benjamin Chadwell by
the County Judge of Wise County
at the March Term of the County
Court of Wise County A.D. 1881 will
faithfully discharge the duties of
Guardian of the Estate of said
Benjamin Chadwell a Minor acc
ording to Law

Witness our hands this 22nd
day of March A.D. 1881

L. B. Ball

S. Brown

G. Salmon

Certificate
of Acknowledgment
of Bondsmen

The State of Texas, Before me
County of Wise, J. M. O'Neill
a Notary Public
in and for Wise County, Texas on this
day personally appeared L. B. Ball
S. Brown and G. Salmon well known

Cert of To me to be the persons whose names
acknowled are subscribed to the foregoing instru-
ment And Acknowledge to me that they
Executed the same for the purposes
And Consideration therein expressed
Given under my hand and Seal
of office this 22nd day of March
1881

J. M. O'Sullivan
Notary Public Wise Co. Texa

Oath of The State of Texas & Oath of Guardian
Guardian County of Wise & I C. B. Ball
Guardian of the Estate
of Benjamin Chadwell do hereby
State upon my Oath that I will
Faithfully discharge all the duties
of Guardian of the Estate of my
Said ward according to the Law
C. B. Ball

Subscribed And Sworn to before
me this 22nd day of March 1881

J. M. O'Sullivan
Notary Public
Wise Co Texa

Clerk's

Certificate

The State of Texas \equiv Certificate
Wise County \equiv J. W. Brady clerk
of the County Court
of Wise County, State of Texas do hereby
Certify that the foregoing Transcript
of the Records of Proceedings of the
Guardianship of the Estate of Benjamin
Chadwell contains a full and correct
Transcript of all the proceedings had
in the said Court and that said
Court is a Court of Record having
jurisdiction over matters of Guardia
ship. In testimony whereof I hereunto
set my hand and official seal
Done at Decatur Wise County
Texas on this the 22nd day of
March A.D. 1881

W. W. Brady clk
C. C. W. C. Texas
By A. B. Foster Deputy

Judge's

Certificate

The State of Texas \equiv Certificate
Wise County \equiv J. S. H. Hodges
County Judge
of Wise County, State of Texas
do hereby Certify that I am the
presiding Judge of said Court
and that the attestation of W. W. Brady

7

to the foregoing Certificate is in
due form of Law and that said
W. W. Brady is the County Clerk
of Wise County Texas and that
his acts as such are entitled to due
weight and credit

In testimony whereof I herewith
set my hand and Seal of said
Court Done at Decatur Wise
County Texas this the 22nd day
of March A.D. 1881

D. H. Hodges
County Judge Wise Co.



Estate of
Guy Chadwell
Minor

C. P. Pall Guardian

Pending in County Court
Miss County Texas

"B"

Virginia

In Session of the Circuit Court of Lee County, the
17th day of June 1861.

C. B. Bell Guardian *vs* Plaintiff

vs Defendant

On Petition

Benjamin Whitcomb's Infant ward et al. Defendants

The object of this petition is to obtain an order of said Court permitting the plaintiff *vs* foreign Guardian for the infant defendant Benjamin Whitcomb, in the State of Texas to remove from said Lee County Virginia a certain sum of money due to said ward to the County of this State of Texas. And it appearing from an affidavit filed in the cause that the defendant Benjamin Whitcomb Whitcomb his mother are non-residents of State, it is ordered that they appear here within one month after the publication of this order and do what is necessary to protect their interests in this cause.

A Copy

Teste James W. Cor. Clerk

I certify that on the day of June 1861, that being the first day of the County Court for Lee County Virginia, in said month, I posted at the front door of the Court house of said county, a copy of the above order.

Teste James W. Cor. Clerk

C. B. Bell Guardian

no 3 Order (Pole)

Bury Chadwell et al

Order to Constable James
1889

The Commonwealth of Virginia.

We command you to summon

To The Sheriff of Lee County, Greeting:

Benjamin Chadwell Infant &c
and — Chadwell his mother

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court House, on the first Monday in August
next, being day there by

C. B. Ball Esq'r &c

And have then there this writ. Witness J. H. Hyatt JAMES W. Orr, Clerk of our said Court, at the Courthouse, this 2
day of July 1881, in the 10 3 year of the Commonwealth.

J. H. Hyatt Clerk.

C. B. Ball Guert

vs 3/4 in Chy

Benj. Chauncey et als

Aug. Rules 1881

.50-
36-
36-
40-
1.72

.20
20
18
18
18
36
60
1.97
25-
2.22
1.50
3.72

OFFICE OF

WILLIAM A. ORR,

Attorney and Counsellor at Law,

Will practice in all the Courts of
LEE, SCOTT, WISE AND WASHINGTON COUNTIES,

And in the

FEDERAL COURT AT ABINGDON.

PROMPT ATTENTION

GIVEN TO THE COL-

LECTION OF CLAIMS.

Jonesville, Lee County, Va., July 23 1881.

I hereby Certify that the Order of Publication
of which the Attached is a Copy has been
published four successive weeks in the
Lee County Sentinel a weekly newspaper
published at Jonesville, Va.

Wm. A. Orr
Editor

VIRGINIA:—In vacation of the Circuit
Court of Lee county, the 17th day of June,
1881.

C. B. Ball, Guardian, &c., Pl'ff.

against
Benjamin Chadwell, Infant ward et als. Defts.
ON A PETITION.

The object of this suit is to obtain an order
of said Court permitting the plaintiff's Guar-
dian for the infant defendant, Benjamin Chad-
well, in the State of Texas, to remove from
said Lee county, Virginia, a certain sum of
money due to said ward to the county of Wise,
State of Texas. And it appearing from an affi-
davit filed in the cause, that the defendant
Benjamin Chadwell & — Chadwell, his mo-
ther, are non residents of this State; it is or-
dered that they appear here within one month
after due publication of this order and do what
is necessary to protect their interest in this
suit. A copy. Teste:—

July 8th 85 JAMES W. ORR, Clerk.

C. B. Ball Garden
vs 3 Ord. Pub
Reg. Chadwell Stab

Jan 45